CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR HAVE INDIRECTIMATE EFFECTS (CCW) PROTOCOL ON EXPLOSIVE REMNANTS OF WAR (PROTOCOL V)

REPORTING FORMS

Pursuant to Article 10 (2) (b) of the Protocol and the Decision of the First Conference of the High Contracting Parties to Protocol V
(As adopted by the First Conference at its second plenary meeting on 5 November 2007)

HIGH CONTRACTING PARTY: NEW ZEALAND

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This information can be available to other interested parties and relevant organizations

☐ YES

☐ NO

☐ Partially, only the following forms:

A ☐  B ☐  C ☐  D ☐  E ☐  F ☐  G ☐  H ☐  I ☐


FORM A  Steps taken to implement Article 3 of the Protocol: Clearance, removal or destruction of explosive remnants of war

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 3

There were no activities relating to clearance, removal or destruction of Explosive Remnants of War (ERW) in New Zealand.

The use of explosive ordnance by the New Zealand Defence Force (NZDF) overseas did not result in explosive remnants of war. NZDF clearance, removal and destruction of ERW overseas (for example, the activities of the New Zealand Provincial Reconstruction Team [NZPRT] in Afghanistan), fall within Articles 5 & 7 of Protocol V.

Any other relevant information
FORM B  Steps taken to implement Article 4 of the Protocol: Recording, retaining and transmission of information

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 4 and the Technical Annex

Defence Force Order 04/2007 requires New Zealand Defence Force (NZDF) personnel, to the maximum extent possible, to record and retain information on Explosive Remnants of War (ERW) in order to fulfil the obligations of Protocol V. This information includes: details of location of areas targeted using explosive ordnance; number of shells or projectiles used; the type and nature of ordnance used; and general location of known and probable Unexploded Ordnance (UXO). The material from these reports is compiled and stored in a durable and easily retrievable manner at the highest level of New Zealand command in theatre, and a copy of each report forwarded through the chain of command to Headquarters, NZDF, New Zealand.

Were a New Zealand force ever to abandon any ordnance, Defence Force Order 04/2007 requires the commander of that force to endeavour to ensure that the ordnance is left in a safe and secure manner and is to record: the location of Abandoned Ordnance (AXO); the approximate amount of AXO at each site; and the types of AXO at each site.

Defence Force Order 04/2007 also requires that, where NZDF personnel have used or abandoned explosive ordnance that may have become ERW, the NZDF is to, at the end of hostilities, inform the party in control of the territory in which the ERW are located.

Any other relevant information
FORM C  Steps taken to implement Article 5 of the Protocol: Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 5 and the Technical Annex

New Zealand Defence Force (NZDF) personnel are present in Afghanistan in the New Zealand Provincial Reconstruction Team (NZPRT) in Bamyam Province. The NZPRT includes a two person Explosive Ordnance Disposal (EOD) team. Warning, risk education, marking, fencing and monitoring activities are conducted by UNAMA and are not part of the EOD team’s responsibilities. The NZDF EOD team disposes of Explosive Remnants of War (ERW) found in Bamyam Province in two ways:

1. Disposal of ordnance that has been found by civilians and reported or delivered to the NZPRT. Such ordnance is either destroyed in situ when it is unsafe to move, or is collected and destroyed in batches by the EOD team.

2. Disposal of remnants of war in support of UNAMA Disarmament of Illegal Groups (DIAG). DIAG conducts regular recovery operations of remnants of war within Bamyam Province, supported by NZPRT and the EOD team. Once inspected, recovered ordnance is then destroyed or delivered to the Afghan National Army.

According to Article 1, paragraph 4 of Protocol V, Article 5 only applies to ERW other than existing ERW as defined in Article 2, paragraph 5 of the Protocol. Furthermore, New Zealand is neither a party to the conflict nor in control of territory in Afghanistan. Therefore these steps taken by NZDF personnel with regard to precautions for the protection of civilians and civilian objects from the risks and effects of ERW should be regarded as an application of the spirit of the treaty rather than as a result of any obligation under Protocol V.

Any other relevant information
FORM D    Steps taken to implement Article 6 of the Protocol: Provisions for the protection of humanitarian missions and organizations from the effects of explosive remnants of war

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 6

Defence Force Order 04/2007 requires that a New Zealand Force must, within the area it controls, as soon as feasible after the cessation of active hostilities, protect humanitarian missions and organisations from the effects of Explosive Remnants of War (ERW).

Any other relevant information
FORM E  Steps taken to implement Article 7 of the Protocol: Assistance with respect to existing explosive remnants of war

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 7

New Zealand Defence Force (NZDF) personnel are present in Afghanistan in the New Zealand Provincial Reconstruction Team (NZPRT) in Bamiyan Province. The NZPRT includes an Explosive Ordnance Disposal (EOD) team that has assisted Afghanistan by recording and disposing of large quantities of ordnance. On average, between two and five tonnes of explosives (several thousand items, ranging from small arms rounds to bombs) are disposed of every six months.

Any other relevant information
FORM F  Steps taken to implement Article 8 of the Protocol: Co-operation and assistance

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 8

Afghanistan
In addition to activities in Afghanistan under Articles 5 & 7, New Zealand provided one NZDF officer as Liaison Officer in the Mine Action Centre at HQ International Security Assistance Force (ISAF).

Lao PDR
Provision of NZ $540,000 in 2007/08 to UNESCO for its Community Assisted Methodology for Unexploded Ordnance (UXO) clearance through the 'Safeguarding the Plain of Jars Phase IV' four year project which commenced in 2006.

Cambodia
New Zealand provided NZ $75,981 in 2007/08 to the Cambodian Trust School of Prosthetics and Orthotics (CSPO). The CSPO trains Cambodians and foreign students to make and fit artificial limbs for amputees who are mainly mine victims.

International Committee of the Red Cross
Provision of NZ $2 million in 2007/08 in untagged core funding to support ICRC’s work including physical rehabilitation, preventative mine action programmes which focus on risk reduction, education and advocacy work. New Zealand also provided NZ $750,000 to ICRC activities in Iraq and Sudan.

UNMAS
New Zealand provided one military Staff Officer to the UN Mine Action Service (UNMAS) in New York. New Zealand also provided untagged core funding to UNMAS of NZ $1 million in 2007/08 to support the organisation’s work in removing and destroying mines, explosive remnants of war and stockpiles, risk education and advocacy. The New Zealand funding also supports UNMAS medical assistance and rehabilitation work.

Any other relevant information
FORM G  Steps taken to implement Article 9 of the Protocol: Generic preventive measures

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 9 and the Technical Annex

Munitions manufacturing management and future production
The New Zealand Defence Force (NZDF) procures munitions from a number of international manufacturers and a limited number of niche New Zealand manufacturers. Manufacturing in New Zealand is governed largely by the Hazardous Substances and New Organisms Act 1996. NZDF procurement standards are governed by Defence Force Order 52. A number of mechanisms are used by the NZDF to provide a robust procurement process including: technical statements of requirements; military standards and specifications; manufacturer compliance statements; due diligence of manufacturers; and in service performance surveillance.

Munitions management
Defence Force Order 04/2007 requires Service Chiefs to ensure that procedures for the storage, transport and testing of munitions used by the NZDF set out in Service publications comply with the requirements of Protocol V.

Training of personnel
Defence Force Order 04/2007 requires Service Chiefs and the Commander Joint Forces New Zealand to ensure that effective training is conducted for all Service members who handle or use weapons employing munitions that may become Explosive Remnants of War (ERW) to ensure that any failure of such munitions is kept to a minimum.

Transfer
Transfers of explosive ordnance are strictly controlled by the New Zealand Strategic Goods List, in accordance with the Customs Export Prohibition Order (2005), made under the Customs and Excise Act (1996).

Any other relevant information
FORM H  Steps taken to implement Article 11 of the Protocol: Compliance

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Steps taken to implement the provisions of Article 11

Defence Force Order 04/2007 requires Service Chiefs and the Commander Joint Forces New Zealand to ensure that effective training is conducted for all Service members who handle or use weapons employing munitions that may become Explosive Remnants of War (ERW) to ensure that any failure of such munitions is kept to a minimum. In addition, commanders must ensure that all the Protocol V requirements set out in the Defence Force Order are incorporated into exercises and training, particularly command post exercises.

The NZDF has an advanced Law of Armed Conflict training programme, compulsory for all members of the armed forces, which includes specialist training for appointments to operational roles and particular deployments. This programme includes, amongst other things, education relating to prohibitions and restrictions on weapons likely to cause superfluous injury or unnecessary suffering.

New Zealand’s obligations under the CCW and its Protocols are disseminated at the operational level of the armed forces by the NZDF’s legal advisors.

Any other relevant information
FORM I  Other relevant matters

High Contracting Party: New Zealand

Reporting for time period from 03/04/2008 to 29/09/2008

Any other relevant information